

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

* * * * *

United States of America,

vs.

AMENDED ORDER

- (01) Jesus Guadalupe Herrera Machaca,
a/k/a “Lupe”
a/k/a “Winny”
a/k/a “Ojon,;”
- (02) Jose Adrian Santana Ponce,
a/k/a “Adrian,”
a/k/a Arturo Santana;
- (03) Omar Noel Guitron,
a/k/a “Victor,”
a/k/a “I love ya,”
a/k/a “Tio;”
- (04) Christian Rosales,
a/k/a “Chris,”
- (05) Jamie Lee Ellig;
- (06) Jamie Lee Beckman;
- (07) Christopher Lee Wessels;
- (08) Franco Zamora Valdez;
- (09) Jose Luis Delgadillo;
- (10) Paul Guitron;
- (11) Julio Cesar Celis Franco;
- (12) Oscar Toledo
- (13) Juan Ramon Lopez,

Defendants.

Crim. No. 12-118 (JRT/LIB)

* * * * *

Orders have been previously issued in the above-entitled matters advising of a date for filing of motions (September 20, 2012) and a hearing date on those motions, currently set for September 17, 2012.

There have been several requests filed requesting that an extension for filing motions as well as a continuance of the hearing date for those motions be granted to accommodate review of the voluminous amount of discovery.

The Court has closely reviewed the pertinent factors which commend the granting of a continuance, and expressly finds that a continuance is warranted. The Court further finds that the ends of justice, that are served by the granting of the continuance, outweigh the best interests of the public and of the Defendants in a speedy trial, and that the failure to grant such a continuance would deny the Defendants the reasonable time that is necessary for the effective preparation of their defense, taking into account their exercise of due diligence. Neither the Government, nor any of the co-Defendants have an objection to the requests to extend, and good cause having been shown, the Court will grant the requests.

THEREFORE, It is –

ORDERED:

1. That the Motions [Docket Nos. 203, 219, 264 and 271] are GRANTED, and the entire period of this continuance is hereby excluded from the period within which the Trial of this matter must commence under the Speedy Trial Act. See, Title 18 U.S.C. §3161(h)(8)(A).

2. That motions are to be filed on or before **September 10, 2012**. That all Motions, by either party for discovery, production or suppression, shall be served and filed in accordance with the Electronic Case Filing Procedures for the District of Minnesota/Criminal. A courtesy copy of the Motions shall be mailed directly to the chambers of the undersigned at 412 Gerald W. Heaney

Federal Building and U.S. Courthouse and Customhouse, 515 West First Street, in Duluth, Minnesota.

4. That all Responses to such Motions shall be served and filed **by no later than September 20, 2011**. A courtesy copy of the Responses shall be mailed directly to the chambers of the undersigned at 412 Gerald W. Heaney Federal Building and U.S. Courthouse and Customhouse, 515 West First Street, in Duluth, Minnesota.

5. That oral argument on all Motions and any necessary evidentiary hearing shall be heard before United States Magistrate Judge Leo I. Brisbois **on October 29, 2012, at 10:00 o'clock a.m.**, in Courtroom No. 8E, U.S. Courthouse, 300 South Fourth St., Minneapolis, Minnesota.

6. That all voir dire questions, and proposed Jury Instructions shall be submitted, pursuant to the Electronic Case Filing Procedures for the District of Minnesota/Criminal and according to the directives of the Honorable Judge John R. Tunheim, United States Courthouse, 300 South Fourth St., Minneapolis, Minnesota, **by no later than November 19, 2012**.

7. That the Trial in this matter shall commence, before the Honorable Judge John R. Tunheim, **on November 26, 2012 , at 9:30 o'clock a.m., in Court Room No. 13E, United States Courthouse, 300 South Fourth St., Minneapolis, Minnesota**.

BY THE COURT:

DATED: August 28, 2012

s/Leo I. Brisbois
Leo I. Brisbois
U.S. MAGISTRATE JUDGE